

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 7

TRANSCARE CORPORATION, et al.

Debtors.

Case No.: 16-10407 (SMB)
(Jointly Administered)

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SALVATORE LAMONICA, as Chapter 7

Trustee for the Estates of TransCare
Corporation, et al.,

Adv. Proc. No. 18-1021(SMB)

Plaintiff,

v.

LYNN TILTON, PATRIARCH
PARTNERS AGENCY SERVICES, LLC,
PATRIARCH PARTNERS, LLC,
PATRIARCH PARTNERS MANAGEMENT
GROUP, LLC, ARK II CLO 2001-1,
LIMITED, TRANSCENDENCE TRANSIT, INC.,
And TRANSCENDENCE TRANSIT II, INC.

Defendants.

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STIPULATION AND ORDER AUTHORIZING PAYMENT OF MEDIATION FEES

This Stipulation and Order (the “Stipulation”) by and between Salvatore LaMonica, solely in his capacity as the Chapter 7 Trustee of the jointly administered estates of TransCare Corporation *et al.* (the “Plaintiff”) and Lynn Tilton, Patriarch Partners Agency Services, LLC, Patriarch Partners LLC, Patriarch Partners Management Group, LLC, ARK II CLO 2001-1, Limited, Transcendence Transit, Inc., and Transcendence Transit II, Inc. (collectively, the “Defendants” together with the Plaintiff are referred to herein as the “Parties” and each a “Party”), by and through their undersigned counsel, establishing the terms of mediation in the above-mentioned litigation:

RECITALS

A. The Parties in good faith have agreed to participate in a one-day mediation (the “Mediation”) in an effort to resolve the asserted claims as set forth herein.

B. The Parties have further agreed to mediate their disputes before Jed D. Melnick, Esq. (the “Mediator”).

C. The Mediation has been scheduled to occur on May 2, 2019 at JAMS New York.

D. Pursuant to the Mediation Fee Schedule Agreement, the Mediator’s daily rate is \$12,000, which includes up to 10 hours of session time on the mutually agreed scheduled day with an initial non-refundable fee of \$450 per Party.

E. The Parties have further agreed that the Trustee shall bear fifty percent (50%) of the cost of Mediation, which portion will be \$6,000 per day.

F. In an abundance of caution, and to avoid the cost and delay occasioned by a more formal application for what is a relatively *de minimis* expenditure, the Trustee wishes to have an order authorizing the expenditure of \$6,000 per day for the Trustee’s portion of the cost of the Mediation, not to exceed \$18,000 in total.

WHEREFORE, it is hereby Stipulated and Agreed, as follows:

1. The Trustee shall be, and hereby is, authorized to pay fifty-percent (50%) of the Mediator’s daily rate, at a rate of \$6,000 per day, not to exceed \$18,000, without further application to, or order from, the Bankruptcy Court.

2. This Stipulation (i) is without prejudice to the Parties’ rights to seek authorization for additional advances for the Mediation and (ii) shall have no force and effect unless it is approved by the Bankruptcy Court. Should the Bankruptcy Court fail to approve this Stipulation,

none of the provisions herein shall be deemed to be admissions or be prejudicial or impair any of the rights or remedies of the parties.

3. The Bankruptcy Court shall retain jurisdiction to enforce the terms and conditions of this Stipulation.

Dated: April 30, 2019
New York, New York

STORCH AMINI PC

By: /s Avery Samet
Avery Samet
2 Grand Central Tower
New York, NY 10017
Telephone: 212.490.4100

Dated: April 30, 2019
New York, New York

PROSKAUER, LLP
Counsel for the Defendants

By: /s Timothy Karcher
Timothy Q. Karcher
Eleven Times Square
New York, NY 10036-8299
Telephone: 212.969.4750

IT IS SO ORDERED 30th day of April, 2019

/s/ STUART M. BERNSTEIN
Honorable Stuart M. Bernstein
United States Bankruptcy Judge